

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DANIEL FELDER,

Plaintiff,

vs

9:03-CV-516

GARY FILION, Superintendent; SERGEANT
HUMPHRY; C.O. LAMAR; and B. LIFFORD, C.O.,

Defendants.

APPEARANCES:

OF COUNSEL:

DANIEL FELDER
Plaintiff, Pro Se
94-A-6220
Green Haven Correctional Facility
Box 4000
Stormville, NY 12582-0010

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, NY 12224

JAMES B. McGOWAN, ESQ.
KELLY L. MUNKWITZ, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Daniel Felder, brought this civil rights action pursuant to 42 U.S.C.
§ 1983. In a Report Recommendation dated September 5, 2006, the Honorable Randolph F.
Treece, United States Magistrate Judge, recommended that the defendants' motion for
summary judgment be granted as to defendants Filion, Lamar, and Lifford, and denied as to

defendant Humphrey. Objections to the Report Recommendation have been filed by the parties.

Based upon a de novo review of the portions of the Report-Recommendation to which the parties have objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

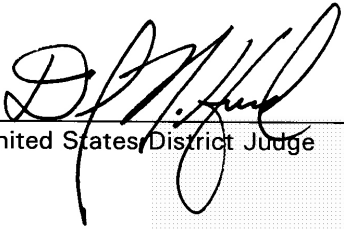
1. The motion for summary judgment is GRANTED as to defendants Gary Filion, Mary Lamar, and Brian Lifford; and DENIED as to defendant Richard Humphrey;

2. The complaint is DISMISSED against the defendants Gary Filion, Mary Lamar, and Brian Lifford; and

3. Defendant Richard Humphrey shall file and serve an answer to the complaint on or before December 1, 2006.

IT IS SO ORDERED.

Dated: November 20, 2006
Utica, New York.


United States District Judge